

## FOLIAGE OBSTRUCTING PUBLIC SIDEWALKS

### Problem

Staff observations indicate that 95 percent of foliage (trees, shrubs, hedges, ornamental plants, general overgrowth, etc) obstructing sidewalks is located on private property. This problem is common in older neighborhoods and commercial areas. The issue in the public right of way (greenspace between the sidewalk and the street) tends to be overhanging street tree limbs. Other than street trees, the right of way between a sidewalk and street is typically not planted except with grass. Exceptions are certain special treatments within business districts or certain pedestrian or bicycle corridors.

Most pedestrians will not know who to contact regarding foliage problems. Homeowner Associations may be more aware of the appropriate agency to contact.

### Regulations

Private property – Chapter 26 Housing and Building Maintenance Standards, Sections 9(b)(5) and 10(a) “Shrubbery, trees, vines, hedges and other vegetation.... must be maintained so they do not pose a danger to health or safety.”

Public (County) right-of-way – Chapter 49 Streets and Roads, Allowable Greenspace Plantings Std. #704.01 “Plants installed on the County right-of-way cannot block vehicle operator sight distance along roadways or impede the use of public sidewalks.” (Chapter 49, Section 33(k) requires DOT to “allow and encourage” adjacent property owners to plant ground cover in the public right of way for environmental benefits).

### Enforcement

Department of Housing and Community Affairs (DHCA) will issue citations to property owners for foliage on private property obstructing sidewalks (except within the cities of Rockville, Gaithersburg and Takoma Park).

The maintenance agency with jurisdiction over the particular street in question will trim or remove foliage in the right of way that is obstructing a sidewalk. Depending on the location of the street, the applicable maintenance agency may be the Montgomery County Division of Highway Services, the Maryland State Highway Administration, the Bethesda Urban Partnership, the Silver Spring Urban District, or one of various municipalities.

## Recommendations

- 1) The 311 system will be launched soon and DOT/DPS/DHCA staff should evaluate and ensure that the complaint intake process asks the right questions to get the information needed so that operators can direct the complaints to the right agency for follow-up.
- 2) The DOT website should specifically address sidewalk foliage obstructions (similar to what DOT currently has for snow removal from sidewalks).
- 3) Public education is needed so that property owners are aware that they are responsible for trimming their foliage back so that it does not obstruct the sidewalk.